



Atty. Dkt. No. 039153-5003 (G0167)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xiang, Qi
Title: SILICON BUFFERED
SHALLOW TRENCH
ISOLATION

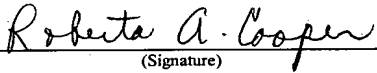
(formerly "Silicon Buffered
Shallow Trench Isolation For
Strained Silicon Processes")

Appl. No.: 10/755,746

Filing Date: 01/12/2004

Examiner: To be determined

Art Unit: 2813

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 459170495 US	01/12/05
(Express Mail Label Number)	(Date of Deposit)
Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

01/18/2005 LWONDIM1 00000051 10755746

01 FC:1453 Sir: 1500.00 DP

After submitting a nonpublication request with the above-referenced application upon filing, the application became abandoned under operation of law for failure of Applicants to timely and properly notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. Accordingly, this petition is being filed as a protective measure to ensure that any patent that may issue or has issued from the above-referenced application will not be invalid and/or unenforceable due to Applicants' failure to file the appropriate notice.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

(1) Required reply and/or fee.

The proposed reply and required fee for the above-referenced notification in the form of a Request to Rescind Previous Nonpublication Request under 35 U.S.C. § 122(b)(2)(B) is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$1,500.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

(3) Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply (the Request to Rescind Previous Nonpublication Request), from the due date for the reply until the filing of this petition, was unintentional and was done without deceptive intent. Applicants believed in good faith that they were following the applicable and appropriate procedures and practices of the Office. The Office has since (recently) promulgated a "Reminder" that is inconsistent with the prior accepted practices. As a result, the present application is at least theoretically abandoned even though no notice of abandonment has been received from the Office. Applicants file this petition in an overabundance of caution in order to clarify the situation.

Specifically, the present application was filed on January 12, 2004 along with a request that this application not be published pursuant to 35 U.S.C. § 122(b)(2)(B)(i). The present application is a continuation-in-part of four related applications (U.S. Patent Application No. 10/341,863; U.S. Patent Application No. 10/341,863; U.S. Patent Application No. 10/358,966; and U.S. Patent Application No. 10/389,456).

On January 14, 2004, a PCT patent application (PCT/US2004/000982) was filed based on related U.S. Patent Application No. 10/341,863; a Request to Rescind Previous Non-Publication Request was filed in U.S. Patent Application No. 10/341,863 on January 14, 2004 (which was within 45 days of filing an application on a related case in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing).

On March 11, 2004, a PCT patent application (PCT/US2004/007464) was filed based on related U.S. Patent Application No. 10/389,456; a Request to Rescind Previous Non-Publication Request was filed in U.S. Patent Application No. 10/389,456 on March 11, 2004 (which was within 45 days of filing an application on a related case in a foreign country or

under a multinational treaty that requires publication of applications eighteen months after filing).

Upon a review of the file for the present application, it was determined that a Request to Rescind Previous Nonpublication Request was never filed in the present application, which is a continuation-in-part of both of U.S. Patent Application No. 10/341,863 and U.S. Patent Application No. 10/389,456. Because at least some of the inventions claimed in the present application at the time of filing may have been disclosed in one or both of U.S. Patent Application No. 10/341,863 and U.S. Patent Application No. 10/389,456 and the international PCT patent applications based thereon, the Applicants believe that this application may have been unintentionally abandoned by operation of law. Under an abundance of caution, the Applicants respectfully petition for revival of the present application.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date 1/12/2005

By 

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